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HL

Patton Boggs
P.O. Box 270930
Louisville, CO 80027

In re Application of: :
Rump et al. :
Application No.: 09/913,686 : DECISION
PCT No.: PCT/EP99/09981 :
Int. Filing Date: 15 December 1999 : UNDER
Priority Date: 16 February 1999 :
Atty. Docket No.: 13189.137 : 37 CFR 1.47
For: Method And Device For Producing An :
Encrypted Payload Data Stream And :
Method And Device For Decrypting... :
:

This is in response to the papers filed under 37 CFR 1.47(a) on 24 January 2002.

BACKGROUND

This international application was filed on 15 December 1999, and claimed an earliest priority date of 16 February 1999. The International Bureau transmitted a copy of the published international application to the United States Patent and Trademark Office on 24 August 2000. A Demand electing the United States was filed on 13 September 2000, which was prior to the elapse of 19 months from the priority date. Accordingly, the thirty month period for paying the basic national fee in the United States expired as of midnight on 16 August 2001.

On 16 August 2001, applicant filed the basic national fee accompanied by, *inter alia*, a Transmittal Letter.

On 18 October 2001, a Notification of Missing Requirements was transmitted to applicants, requiring the submission of an oath or declaration of the inventors and a surcharge under 37 CFR 1.492(e).

Applicants filed the instant papers on 24 January 2002.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own

behalf and on behalf of the non-signing joint inventor. Petitioner has satisfied requirements (1), (3) and (4).

Regarding requirement (1), the petition fee is being charged to Counsel's Deposit Account No. 50-1848, as authorized by the Transmittal Letter filed on 16 August 2001.

Regarding requirement (2), the evidence now of record establishes that the missing joint inventor, Niels Rump, cannot be reached after diligent effort.

With respect to requirement (3), the petition includes a statement of the last known address of the missing inventor.

With respect to requirement (4), the petition is accompanied by an appropriate declaration.

For the reasons discussed above, it would be appropriate to grant the requested relief on the basis of the present record.

CONCLUSION

The petition is **GRANTED**.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given an international filing date of 15 December 1999 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of **24 January 2002**.

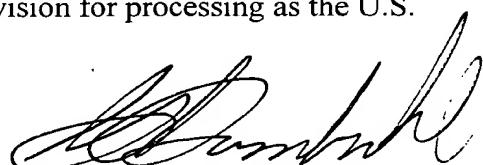
As provided by 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of this application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.



Leonard Smith
PCT Legal Examiner
PCT Legal Office



George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6721
Fax: (703) 308-6459